

MP/A

PATENT
Attorney Docket No.: A-70608-7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CRANDALL et al.

Serial No. 10/007,657

Filed: November 13, 2001

For: **MICROBIOCIDAL AND PESTICIDAL
AROMATIC ALDEHYDES**



Examiner: NOT YET ASSIGNED

Group Art Unit: 1617

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

Dated: March 29, 2002

Signed: Monica Carlos
Monica E. Carlos

**RESPONSE TO NOTICE OF INCOMPLETE
NONPROVISIONAL APPLICATION**

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Incomplete Nonprovisional Application mailed January 30, 2002,
enclosed are the following:

1. Copy of Notice;
2. Preliminary Amendment;
3. Two sheets of formal drawings;
4. Copy of Combined Inventor Declaration, previously filed in USSN 09/418,676;
5. Check in the amount of \$435.00 for the surcharge (\$65.00), and filing fee (\$370)

computed as follows:

Serial No.: 10/007,657
Filed: November 13, 2001

(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY RATE FEE	OTHER THAN SMALL ENTITY RATE FEE	
BASIC FEE		\$370	\$740	\$370
TOTAL CLAIMS	18 - 20 =	x 9	x 18 =	\$ 0
INDEP CLAIMS	2 - 3 =	x 42	x 84 =	\$ 0
MULTIPLE DEPENDENT CLAIM PRESENTED		+ \$140	+ \$280	\$ 0
TOTAL				\$370

6. Information Disclosure Statement.

REMARKS

Applicants inadvertently omitted drawing Figures 1, 2, and 3 from the filing of this continuation application. The drawings were not necessary to understand the invention, as the claims as originally filed contained at least one method claim. *See*, MPEP 601.01(f). Therefore, Applicants should be accorded their filing date of November 13, 2001.

This application is a 37 C.F.R. 1.53(b) continuation of USSN 09/418,676, which was a continuation-in-part of USSN 09/155,289. Applicants note that the specification, as originally filed in this continuation application, incorporates by reference the disclosure of USSN 09/155,289. The omitted drawings are part of the disclosure of USSN 09/155,289. Therefore, the omitted drawing figures will be added in the preliminary amendment that accompanies this Response. *See*, MPEP 201.06(c).

A copy of the Declaration and Power of Attorney as originally filed was inadvertently omitted from the filing of this continuation application. Attached is a copy of the Declaration filed in the prior

Serial No.: 10/007,657
Filed: November 13, 2001


application, USSN 09/418,676. As no new matter has been added in this continuation application, and the omitted drawings are not necessary to understand the invention, a newly executed Declaration is not required. Applicant notes that a Revocation of Previous Powers of Attorney and Appointment of New Power of Attorney was previously filed on August 10, 2001 in USSN 09/418,676.

The Commissioner is authorized to charge any additional fees, including any extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-70608-7/DJB).

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Date 2/28/02



David J. Brezner
Reg. No. 24,774

Four Embarcadero Center, Suite 3400
San Francisco, California 94111-4187
Telephone: (415) 781-1989
#1078667

23



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/007,657	11/13/2001	Bradford G. Crandall JR.	A-60708-7/DJB/RMK/DJM

CONFIRMATION NO. 1054

FORMALITIES LETTER



OC000000007388901

David J. Brezner, Esq.
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center - Suite 3400
San Francisco, CA 94111-4187



Date Mailed: 01/30/2002

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$158.
 - \$18 for 2 total claims over 20.
 - \$140 for multiple dependent claim surcharge.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- The balance due by applicant is \$ 528.

04/08/2002 SDENB081 00000063 10007657

01 FC:201 370.00 OP
02 FC:205 65.00 OP

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

[illegible]